



California Regulatory Notice Register

REGISTER 2006, NO. 29-Z

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 29-Z

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. STATE LANDS COMMISSION

**DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 5.5 MARINE TERMINALS OIL
PIPELINES**

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend Sections 2561, 2563, 2564, 2565, 2566 and 2567 of Article 5.5 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR).

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment Period closes at 5:00 pm on September 05, 2006. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Livin Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8751, 8752, 8755, 8756 and 8757, Public Resources Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Article 5.5 of Title 2, Division 3, Chapter 1 of the California Code of Regulations became effective in August 1997. Since that date, staff of the Marine Facilities Division has monitored and reviewed the testing and maintenance of oil pipelines at marine terminals in California. Over the years the Division has gained considerable knowledge and experience in the processes involved in testing pipelines. Additionally, there have been advances and improvements in standards and technology used in testing of pipelines. Many of these advancements have been incorporated into the recently approved Building Standards entitled "Marine Oil Terminal and Maintenance Standards" (MOTEMS) (24 CCR Chapter 31F, Divisions 1 through 11). The MOTEMS became effective on February 6, 2006. It has therefore become necessary to amend these regulations so as to ensure consistency with newly approved MOTEMS. § 8756 of Public Resources Code requires that the Commission's regulations always provide the best achievable protection of the public health and safety, and the environment. The proposed amendments will ensure that the provisions of PRC § 8756 are being met.

Section 2561(o). The proposed amendment in Section 2561(o) will update citation of the current standard of National Association of Corrosion Engineers (NACE) incorporated by reference.

Section 2563. A new specification would be added under this section incorporating the provisions of Divisions 9 and 10 of MOTEMS by reference. The title of Section 2563 would also be modified to incorporate this change.

Section 2564. The proposed amendments apply to subsection (a). An additional provision is being added to Subsection (a). This requires the renumbering of new sections (a)(1) and (a)(2). The existing provision of subsection (a) will now be renumbered (a)(1). The new

provision is numbered (a)(2) and it would incorporate relevant provisions of MOTEMS by reference. The new subdivision (i) will require the terminal operators to mark pipelines that have no valid test certificate as provided for in MOTEMS. It would also require terminal operators to ensure that such pipelines conform to other provisions of MOTEMS.

Additionally, a new subsection (i) is being added to Section 2564. This new provision would require the terminal operator to provide the Marine Facilities Division (the Division) of the State Lands Commission with certain physical properties of the hydrocarbon liquid test medium when such a medium is intended to be used for testing. This information will enable the Division to monitor and gauge the accuracy of the test.

Section 2565. The first proposed amendment to this Section applies to Subsection (d)(1). The language of this subsection has been modified to remove the phrase "Where circumstances permit."

The second proposed amendment to subsection (d)(1)(A) is a new provision which would specify the ranges and resolution of the temperature recording devices used in conducting Static Liquid Pressure Tests (SLPTs) for water and liquid hydrocarbon test mediums.

The third proposed amendment to subsection (d)(1)(B) would, in addition to the existing requirement to record ambient air temperature during SLPTs, add extra requirements to record wind speed, precipitation and cloud cover during SLPTs.

The fourth proposed amendment to this section is the addition of new requirement in subsection (d)(2) requiring temperature measuring probes to be firmly attached to the pipe wall and insulated during SLP testing.

Section 2566. An additional subsection (a)(5) is being proposed to existing provisions of this Section. The new provision would, in addition to the existing notification requirements, require the terminal operator to notify the Division of the physical properties of the liquid hydrocarbon test medium.

The addition of this subsection necessitates the word "and" in subsection (a)(3) to be struck out and moved to the end of subsection (a)(4).

Section 2567. An additional provision is being added to subsection (c)(2). The proposed change would require the records of SLPTs to additionally include location of pressure monitoring instruments and temperature probes during SLP testing.

DIFFERENCES FROM FEDERAL REGULATIONS

The proposed amendments do not conflict with existing Federal Regulations in Part 195 of Title 49 of the Code of Federal Regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: None
Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with the Government Code Sections 17500 through 17360: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or a business would necessarily incur in reasonable compliance to the proposed action.

Amendment of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing business within California; or
3. Affect the expansion of businesses currently doing business in California.

Significant impact on housing costs: None

SMALL BUSINESS DETERMINATION

The Commission has determined that the amendment of these regulations do not affect small businesses defined in Government Code Section 11342.610, because all affected businesses are maritime oil transportation and terminal owners and operators, as specified under Government Code Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments during the written public comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Livin Prabhu
Supervisor, Planning Branch
State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

Tel: (562) 499-6312
Fax: (562) 499-6317

E-mail: PRABHUL@slc.ca.gov

or

Mark Meier
Senior Staff Counsel
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Tel: (916) 574-1853

E Mail: MEIRM@slc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office at the address above. As of date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address and telephone number listed above.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are substantially related to the originally proposed text, the modified text, with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations

for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Upon its completion, copies of Final Statement of Reasons may be obtained by contacting Livin Prabhu at the above address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

A copy of Notice of Proposed Action, Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the website of California State Lands Commission at:

http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

NOTICE OF PROPOSAL TO AMEND
RULE 1562. FORM OF ENTRIES
AND DECLARATIONS

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1582, Form of Entries and Declarations. The proposed amendment would provide that no person shall fail to confirm a telephone entry in writing unless the Board provides otherwise.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, September 14, 2006**, or as soon after that as business before the Board will permit, at the **Surfside Race Place at Del Mar, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on September 4, 2006**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19440, Business and Professions (B&P) Code. Reference: Section 19562, B&P Code.

B&P Code Section 19440 authorizes the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19562, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California.

Rule 1582 provides that entries made by telephone are valid if promptly confirmed in writing. However, many horses are stabled at auxiliary facilities, which makes written confirmation impractical. Over time this has caused industry practice to conflict with Rule 1582, as racing offices currently accept telephone entries without requiring written confirmation. In recognition of the divergence between industry practice and the written confirmation requirement the Board issued a directive that temporarily waived the requirement for written entry confirmation. The proposed amendment to Rule 1582 provides that under Rule 1437, Conditions

of Race Meeting, the association may accept entries by telephone, facsimile, or any other electronic method it deems appropriate. In addition the association may require a written confirmation of such entries. This allows racing associations to continue current practice regarding telephone entries, and to introduce additional technologies that may become available. In addition, it gives the associations the ability to require a written confirmation if they feel it is necessary. Rule 1437 requires that a racing association publish its conditions in the condition book or otherwise make them available to all licensees participating in the race meeting. This will allow racing associations to take entries in a manner they believe to be the most efficient, and ensure that licensees will understand how to make entries, what technology is appropriate for making entries and if a written confirmation is necessary.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1582 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1582 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1582 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine

that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Pat Noble, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the

date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING NONPUBLIC SCHOOLS

[Notice published July 21, 2006]

NOTICE IS HEREBY GIVEN that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on September 5, 2006**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary

of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on September 5, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 33031, 47612.5(b), 47634.2, Education Code.

Reference: Sections 47604.3, 47605, 47612.5(b), 47632, 47634.2, 51745.6, 51747.3, 60640-60643, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Requirements for certification of California nonpublic schools and agencies are referenced in Part 30 of Education Code sections 56365 through 56366.12. Implementing regulations to clarify requirements for cer-

tification of California nonpublic schools and agencies are referenced in title 5, California Code of Regulations, sections 3001 et seq. The intent of these proposed regulations is to make technical changes to existing regulation language and to add new regulations implementing sections in Part 30 of the Education Code added by Assembly Bill 1858 (AB 1858), Chapter 914, Statutes of 2004. New provisions added to the Education Code by AB 1858 increase monitoring of nonpublic schools and agencies, and align nonpublic schools and agency requirements for certification to the public school standards of instructional materials and qualified personnel. These proposed regulations are necessary to clarify consistent procedures and criteria in the administration of California's nonpublic school and agency certification program to ensure that affected public and private agencies and interested persons are informed of their rights and responsibilities in the certification process.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: None
Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to nonpublic nonsectarian schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Sharon Crowell, Special Education Consultant
Special Education Division
California Department of Education
1430 N Street, Room 2401
Sacramento, CA 95814
Telephone: (916) 327-3546

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Sharon Crowell, Special Education Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 327-3546; fax, (916) 327-3516. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING ADMISSIONS CRITERIA FOR THE CALIFORNIA SCHOOLS FOR THE DEAF AND BLIND

[Notice published July 21, 2006]

NOTICE IS HEREBY GIVEN that the Superintendent of Public Instruction (Superintendent) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the Superintendent, will hold a public hearing beginning at **9:00 a.m. on September 11, 2006**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Superintendent requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The Superintendent requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on September 11, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the Superintendent may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: 5 CCR section 3030(a); Sections 56350, 56352, 59001, 59020, 59101, 59102 and 59120, Education Code.

References: 5 CCR section 3030(d); Sections 56350, 56352, 59001, 59020 and 59120, Education Code; 34 CFR Section 300.7(c)(3), (c)(5) and (c)(13).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Superintendent of Public Instruction (SPI) proposes to adopt the regulations on Admissions Criteria for the California Schools for the Deaf and Blind. The SPI proposes to add sections 17660, 17661, 17662, 17663, 17664, 17665 of chapter 18, subchapter 2, article 1, and sections 17666 and 17667 of chapter 18, subchapter 2, article 2.

Education Code section 59020 gives the SPI the authority to establish criteria for admission to the State Special Schools (Schools for the Deaf and Blind). The criteria establish which students should be admitted to the State Special Schools based on their ability to be served appropriately by the programs offered at the schools.

The State Special Schools are part of the public school system of the state and have for their purpose the education of the Deaf and Blind who, because of their severe hearing and severe sensory loss and educational needs, cannot be provided an appropriate education in the regular public schools (Education Code section 59001). The State Special Schools do not replace the role of the local school districts that have the responsibility to serve all students within their boundaries (Education Code section 48200). Clear admissions standards are necessary because only those students that can be appropriately served by the State Special Schools should be admitted to its instructional and residential programs.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Superintendent has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on local educational agencies: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The Superintendent is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to school districts and not to business practices.

CONSIDERATION OF ALTERNATIVES

The Superintendent must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Superintendent, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Superintendent invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Ron Kadish, Director
State Special Schools
California Department of Education
1430 N Street, 2nd Floor
Sacramento, CA 95814
Telephone: (916) 327-3850

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at (916) 319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Superintendent has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Ron Kadish, State Special Schools, 1430 N Street, 2nd Floor, Sacramento, CA, 95814; telephone, (916) 327-3850, fax (916) 445-4550. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

Adopt Title 10, California Code of Regulations, Chapter 5, Subchapter 4.3, Article 1, Section 2614. Governing Procedure for Noncompliance Hearings

SUBCHAPTER 4.3 Procedures for Noncompliance Hearings

Article 1. Governing Procedure for Noncompliance Hearings.

CDI File No. RH05048173

Date: July 14, 2006

SUBJECT OF HEARING

Notice is hereby given that the California Insurance Commissioner (the Commissioner) proposes to adopt the regulation described below after considering comments from the public. The Commissioner proposes to add to Title 10, California Code of Regulations, Chapter 5, Subchapter 4.3, Governing Procedure for Noncompliance Hearings. The proposed regulation will implement procedures for hearings conducted pursuant to California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2.

AUTHORITY AND REFERENCE

Per Government Code section 11349(b) "Authority" means the provision of law which permits or obligates the agency to adopt a regulation. The authority for the

proposed regulation is the express authority provided by Government Code section 11400.20 which states that an agency may adopt interim or permanent regulations to govern an adjudicative proceeding

“Reference” means the statute, court decision, or other provision of law which the agency implements, interprets, or makes specific when adopting a regulation. The following statutes are referenced as being made specific by the proposed regulation. The proposed regulation is making specific California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2

HEARING DATES AND LOCATIONS

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation on the following dates at the following locations.

September 7, 2006
10:00 a.m.
45 Fremont St. 22nd Floor Hearing Room
San Francisco CA 94105

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS: CONTACT PERSONS

All persons are invited to present oral and/or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Lara Sweat, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4192
sweatl@insurance.ca.gov

Questions regarding the hearing, comments or the substance of the proposed action should be addressed to the above contact person. If the contact person is unavailable, inquiries may be sent to the backup contact person:

Antonio Celaya, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4117
celayaa@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, care of the contact person at the address listed above, by no later than **5:00 p.m. on September 7, 2006**. Any materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept and strongly encourages written comments transmitted by e-mail, provided they are sent to the following e-mail address: sweatl@insurance.ca.gov. The Commissioner also requests a hard copy of the comments electronically submitted. Please place the following in the subject heading of the e-mail: **CDI File No. RH05048173**. Microsoft Word and “PDF” documents may be attached to e-mails. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of **Lara Sweat** using the following fax number: **(415) 904-5490**. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10 of the California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be sub-

mitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

Summary of Existing Law

California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2 provide that the Commissioner shall hold a public hearing when a violation of Chapter 9 of the California Insurance Code is alleged pursuant to a public complaint, or after examination of an insurer. However, there are no procedures identified in the California Insurance Code stating how such public hearing shall be conducted or what procedures will apply. To date, public hearings conducted pursuant to those California Insurance Code sections have been conducted under Title 10 of the California Code of Regulations, Subchapter 4.5, Article 1, section 2615 et seq. which provide procedures for adjudicative hearings other than those subject to the provisions of Chapter 5 of the Government Code or where other regulations explicitly set forth a procedure for a hearing. The existing regulations set forth only the general requirements for a hearing. There are no time lines or specific requirements imposed which has created inconsistent procedures in these hearings.

The Department does have in place regulations governing rate hearings and worker's compensation hearings but nothing for noncompliance hearings. Pursuant to the discretion granted to the Department by the APA, the Department now seeks to adopt procedural regulations for noncompliance hearings.

POLICY STATEMENT OVERVIEW

The Commissioner has determined that the lack of specific procedural guidelines for noncompliance hearings is problematic both for the Department and for the public. The lack of certainty and guidance in noncompliance hearings has created delay and confusion as the procedures are being determined on a case by case basis. By providing a consistent framework for noncompliance proceedings, these regulations provide consistency but also allow flexibility as needed.

These regulations are also necessary to eliminate confusion and preserve resources that might otherwise be spent arguing about appropriate procedure.

Further, Government Code section 11425.10 states that a copy of the governing procedure shall be made available to persons to which agency action is directed. These regulations are necessary to clarify the general governing procedure for Department of Insurance noncompliance hearings.

Effect of Proposed Action

As outlined in detail above the proposed regulation will make specific the California Insurance Code sections relating to noncompliance hearings. The proposed regulation will provide for greater ease and consistency in conducting noncompliance hearings. As stated above these regulations will also ultimately preserve resources by preventing unnecessary relitigation over hearing procedures on a case by case basis.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

This proposed regulation does not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH OTHER STATES

The Commissioner has made an initial determination that adoption of the proposed regulation will not have a significant impact on reporting requirements, record-keeping requirements or other compliance requirements.

The Commissioner has made an initial determination that adoption of the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed amendment simply clarifies and makes specific existing hearing procedures.

However, the Commissioner invites comment on proposed alternatives designed to lessen any adverse economic impact on business while ensuring compliance with all applicable legal requirements.

The types of businesses affected by the proposed regulation are insurers and advisory organizations and rating organizations subject to the requirements of Chapter 9 of the California Insurance Code.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Commissioner, however, invites public comment on alternatives to the regulation.

Performance standards were considered. The objective identified was fairness and consistency in noncompliance hearings. As such, the subject matter does not lend itself to performance standards. Further, the enabling statute, Government Code Section 14000.20 requires regulations that specifically identify the governing procedure.

Finally, the Commissioner continues to study alternatives.

IMPACT ON SMALL BUSINESS

The matters proposed herein will only affect insurance companies, and rating and advisory organizations, and therefore will not affect small business. (Gov. Code Section 11342.610, subd. (b), para. (2).)

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulation.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon **written or e-mail** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Near the bottom of the page, under "Select a Topic" click on "Consumers". Scroll down to the heading "Regulatory Activity." In this section, scroll down until you see the subheading "Proposed Regulations — Search." Click on the "Proposed Regulations—Search" link. When the "Search" screen appears, you may choose to find the documents by either conducting a search or by browsing for them by name.

To search, enter the Department's regulation file number for these regulations in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1858"), or search by key word ("noncompliance" for example). Then, click on the "submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Regulations for Noncompliance Hearings" link, and click it. Links to the documents associated with these regulations will then be displayed.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

If the regulations adopted by the Department differ from but are sufficiently related to the original text, the Department will make the modified text available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on **September 13, 2006 at 2:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **September 12, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5630 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 5681 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California. BPC section 5651 requires that the Board administer a written examination that ascertains the professional qualifications of all applicants for licenses to practice landscape architecture. BPC section 5681 authorizes the Board to charge fees for sections of the licensing examination that do not exceed the actual cost of purchasing and administering those sections.

Existing regulation specifies fees to be charged for each section of the examination, as well as other administrative fees. Additionally, in 2004 the Joint Legislative Sunset Review Committee (JLSRC) recommended the Landscape Architects Technical Committee (LATC) should make efforts to assure that applicants for licensure pay the full costs to the Board for processing applications and providing examinations rather than subsidizing these costs with licensing fees.

The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE) to the LATC. The LARE consists of five sections, three multiple choice and two graphic, for the purpose of testing the knowledge and competency of potential licensed landscape architects. Prior to August 2004, CLARB administered all five sections of the examination. Currently, three sections of the examination are administered by CLARB at nationwide testing centers; the other two graphic examination sections are administered directly by the LATC. Subsequent to passing all five sections of the LARE, candidates are required to take the California Supplemental Exam (CSE) in order to attain final eligibility for licensure.

On September 19, 2005 CLARB provided the LATC with increased costs to purchase individual sections of the LARE and LARE reviews effective 2006 through 2008. The LATC also is proposing an increase to the

cost of the CSE to align more closely with other states' fees and further enable the LATC in recovery of administrative expenses per JLSRC recommendation.

This proposal would do the following: 1) delete out-dated licensing examination fees, 2) delete reference to Sections A, B, and D of the LARE, since those sections are now administered by CLARB, 3) modify examination fees for Sections C and E of the LARE to reflect the cost of purchasing the examinations from CLARB, effective upon filing of regulation and July 1, 2007; 4) modify the standard and red line review fees for Sections C and E of the LARE to reflect the cost of purchasing the review session materials from CLARB, and 5) modify the CSE fees to align more closely with those of other states and enable recovery of administrative costs directly associated to the CSE.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board is an increase in the examination fees paid by candidates for the LARE, CSE, and examination reviews.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. This proposal would do the following: 1) delete out-dated licensing examination fees, 2) delete reference to Sections A, B,

and D of the LARE, since those sections are now administered by CLARB, 3) modify examination fees for Sections C and E of the LARE to reflect the cost of purchasing the examinations from CLARB, effective upon filing of regulation and July 1, 2007; 4) modify the standard and red line review fees for Sections C and E of the LARE to reflect the cost of purchasing the review session materials from CLARB, and 5) modify the CSE fees to align more closely with those of other states and enable recovery of administrative costs directly associated to the CSE.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee, at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULE MAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making actions may be addressed to:

Name: Ethan Mathes
 Address: Landscape Architects Technical Committee
 2420 Del Paso Road, Suite 105
 Sacramento, CA 95834
 Telephone No.: (916) 575-7230
 Fax No.: (916) 575-7285
 E-mail Address: Ethan_Mathes@dca.ca.gov

The backup contact person is:

Name: Mary Ann Aguayo
 Address: Landscape Architects Technical Committee
 2420 Del Paso Road, Suite 105
 Sacramento, CA 95834
 Telephone No.: (916) 575-7230
 Fax No.: (916) 575-7285
 E-mail Address: Mary_Ann_Aguayo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.latc.ca.gov>.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Sacramento, California, on **September 13, 2006 at 11:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **September 13, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact per-

son and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 160 of the California Code of Regulations, and sections 5510.1, 5526, and 5578 of the Business and Professions Code, and to implement, interpret or make specific section 160 of the California Code of Regulations, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 5526 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law relating to the practice of architecture.

Protection of the health, safety, and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Amend Section 160 — Rules of Professional Conduct:

The existing regulation, which became effective on February 19, 1998, sets forth the Board's rules of professional conduct for architects. The regulation establishes five components of professional conduct that licensees should comply with (competence, willful misconduct, conflict of interest, full disclosure, and copyright infringement). The regulation further establishes that a violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action.

This proposal would retain the Board's existing rules of professional conduct and do the following: 1) add new provision (b)(2) to Willful Misconduct which would require an architect or a candidate for licensure to respond to the Board's requests for information and/or evidence within 30 days whenever the Board is conducting an investigation; 2) add new provision (c)(5) to Conflict of Interest which would require an architect who acts as the interpreter of construction contract documents and the judge of construction contract performance to endeavor to secure faithful performance of all parties and not show partiality to any party; 3) clarify (d)(2) under Full Disclosure to require an architect to respond within 30 days to any request from the Board for information solicited in connection with a candidate

application for licensure, and deletes the requirement to report the candidate's education; and 4) add new provision (f)(1) under Informed Consent to require that an architect not materially alter the scope or objective of a project without first informing the client and obtaining consent in writing.

With respect to the proposed additions to the language, the Board has determined that the new rules would improve the effectiveness of the Board's enforcement efforts and would benefit the public. In addition, this proposal adds clarifying language to the other rules of professional conduct.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation sets forth, by regulation, the Board's rules of professional conduct.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Rd., Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Hattie Johnson
Address: 2420 Del Paso Rd., Ste. 105
Sacramento, CA 95834
Telephone No.: (916) 575-7203
Fax No.: (916) 575-7283
E-mail Address: hattie_johnson@dca.ca.gov

The backup contact person is:

Name: Sonja Ruffin
Address: 2420 Del Paso Rd., Ste. 105
Sacramento, CA 95834
Telephone No.: (916) 575-7207
Fax No.: (916) 575-7283
E-Mail Address: sonja_ruffin@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on **September 13, 2006 at 10:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **September 12, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5630 of the Business and Professions Code, and to implement, interpret or make specific Sections 5670, 5671, and 5672 of the Business and Professions Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, that are reasonably necessary in order to carry out the provisions of law relating to the practice of landscape architecture.

Amend Section 2670 — Rules of Professional Conduct:

The existing regulation, which became effective on September 11, 1997, sets forth the Board's rules of professional conduct for landscape architects. The regulation establishes five components of professional conduct that licensees should comply with (competence, full disclosure, informed consent, conflict of interest and copyright infringement). The regulation further establishes that a violation of any rule of professional conduct in the practice of landscape architecture constitutes a ground for disciplinary action.

This proposal would retain the Board's existing rules of professional conduct and do the following: 1) move subsection (a)(3) from the current language under a new Willful Misconduct subheading, subsection (b), to be consistent with the Board's rules of professional conduct for architects under California Code of Regulations, Title 16, Division 2, Section 160; 2) add a new provision under Willful Misconduct, subsection (b)(2), that would require a landscape architect or a candidate for licensure to respond to the Board's requests for information and/or evidence within 30 days whenever the Board is conducting an investigation; 3) add new language under subsection (c)(2) that would require a landscape architect to respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice landscape architecture and delete the requirement to report the candidate's education; and 4) make additional clarifying edits to the language.

With respect to the proposed additions to the language, the Board has determined that the new rules would improve the effectiveness of the Board's enforcement efforts and would benefit the public. In addition, this proposal adds clarifying language to the other rules of professional conduct.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed regulation sets forth, by regulation, the Board's amended rules of professional conduct for landscape architects.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the Web site listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ethan Mathes
Address: California Architects Board
Landscape Architects Technical
Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7233
Fax No.: (916) 575-7285
E-mail Address: ethan_mathes@dca.ca.gov

The backup contact person is:

Name: Mary Ann Aguayo
Address: California Architects Board
Landscape Architects Technical
Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7231
Fax No.: (916) 575-7285
E-mail Address: mary_ann_aguayo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.latc.ca.gov>.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations
SUBJECT: Vendor Training, Claims, Monitoring,
and Abbreviated Appeals, **R-05-009**.

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such

person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Women, Infants, and Children, (WIC) Supplemental Nutrition Program is a 100 percent federally funded supplemental nutrition program administered by the Department of Health Services. The WIC program, hereinafter called the Program, provides nutritious supplemental foods, nutrition education and breastfeeding promotion and support, as well as health care and social services access or referral, to low-income pregnant, postpartum and breastfeeding women, infants and children under five years of age who are at nutritional risk.

The Program is authorized by the Child Nutrition Act of 1966 (42 U.S.C. 1786), Public Law (P.L.) 89-642, Section 17 as amended, and is funded and administered by the U.S. Department of Agriculture (USDA) Food and Nutrition Service, pursuant to Title 7 Code of Federal Regulations (7CFR), Part 246. Enabling statutes for the California Program are contained in the California Health and Safety Code (H & S Code), Sections 123275 through 123355, and regulations for the State's administration of the Program are located in Title 22 of the California Code of Regulations (CCR), Sections 40601 through 40815.

Changes to federal regulations 7CFR, Part 246 as published in the Federal Register Vol, 65, No 251, on Friday, December 29, 2000, entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Food Delivery Systems" amended regulations governing the Special Supplemental Nutrition Program for Women, Infants and Children. The amended federal regulations strengthen food vendor management by enhancing vendor training requirements, vendor monitoring requirements, food instrument accountability, and the vendor appeals process. These Federal regulations were designed to increase accountability and efficiency in food delivery and related areas and decrease vendor violations of Program requirements and loss of Program funds.

The Department proposes to adopt new and revised administrative provisions contained in R-05-009 that align regulations contained in Title 22, CCR with the Federal Final Rule, published in the Federal Register Vol. 65, No. 251, on Friday, December 29, 2000. Promulgation of R-05-009 would improve the effectiveness of the California Program's food delivery system, and reduce vendor error and Program abuse.

Proposed regulations contained in R-05-009 amend and add new definitions to Chapter 6 of Subdivision 6 of Division 2 of Title 22, CCR as follows: **Section 40603** extends the definition of "adverse action" by adopting civil money penalties and Program termination of the vendor agreement. The proposed definition would delete a "claim for reimbursement" from the list of adverse actions. Proposed **Section 40622** defines the meaning of the term "compliance buy" to identify the activity of Program representatives who pose as participants to evaluate vendor compliance with Program requirements. **Section 40635** is amended to broaden and clarify the definition of "food vendor". Proposed **Section 40635.1** is adopted to define the meaning of the term "vendor ownership" as it functions as a component of a food vendor. Proposed **Section 40635.2** is adopted to define the term "vendor store" as it functions as a component of a food vendor. Proposed **Section 40648** defines the term "on-site inspection" to identify it as a visit by Program representatives to a vendor to evaluate a vendor's compliance with Program requirements. Proposed **Section 40660** establishes a proposed new definition, "vendor authorization number." The vendor authorization number uniquely identifies a vendor at its initial authorization and is required by the Program to assist with identification of the vendor requesting abbreviated administrative appeal. Proposed **Section 40661** is adopted to define the term "vendor claim" so that it is clear what constitutes a vendor claim.

New administrative provisions are proposed for adoption in R-05-009 that are aimed at reducing vendor error and program abuse. Proposed **Section 40733** addresses vendor training requirements specified by the USDA in 7CFR246.12. Proposed **Section 40743** establishes that monitoring of vendors is on a continual basis and that the Program shall monitor via vendor audits, compliance buys, and on-site inspections. **Section 40747** is amended to address Program procedures for assessing claims against vendors for audit findings or for food instruments transacted in violation of Program regulations as identified during a compliance buy or on-site inspection and to specify in regulation a dispute of a vendor claim process, to which a vendor has a right. Proposed **Section 40752** adopts rules to implement a new abbreviated administrative appeals process specified by the USDA in 7CFR246.18. **Section 40753** is repealed in its entirety as the provisions contained in this section are adopted in proposed Section 40747 for clarity in the vendor claims processes, which include the vendor repayment processes.

AUTHORITY

Health and Safety Code Sections: 123280 and 123290.

REFERENCE

Health and Safety Code Sections: 123280, 123290, and 123355. Public Law 89-642, Section 17 entitled "The Child Nutrition Act of 1966" (42 U.S.C. 1786) as amended, including by Public Law 104-193, known as the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996". Title 7 Code of Federal Regulations, (7CFR) Part 246, with specific reference to Section 246.2, 246.12, and 246.18, as published in the Federal Register, Friday, December 29, 2000, Volume 65, No. 251, pages 83276-83289, as the Federal Final Rule.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on September 5, 2006, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-05-009" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Diane Sobodash of Women, Infant, and Children Supplemental Nutrition Branch at (916) 928-8587.

All other inquiries concerning the action described in this notice may be directed to Cathy L. Ruebusch of the Office of Regulations at (916) 440-7841, or to the designated backup contact person, Charles E. Smith, at (916) 440-7693.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-05-009.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None. The California Women, Infants and Children, (WIC) Supplemental Nutrition Program administered by the Department of Health Services is 100 percent federally funded. The Program determines that the fiscal impact to the State is cost neutral as all additional costs associated with the additional training and abbreviated appeals processes will be absorbed by the Program in the funding provided by the federal government.
- C. Fiscal Effect on Federal Funding of State Programs: None. No additional Federal funding is anticipated to support administrative functions that would result from the establishment of these proposed regulations.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: Proposed amendments contained in R-05-009 would require vendors to incur costs for personnel that attend a vendor training session provided by the Program prior to initial authorization and once every three years thereafter. The net effect of new vendor training requirements would be a reduction in training costs when compared to current vendor training requirements that mandate vendors participate in a vendor training session prior to initial authorization and once every two years thereafter. It is anticipated that vendor education will assist the vendor to avoid costly Program error or Program abuse.

Increased costs will occur for those vendors that are assessed a claim by the Program for repayment of either the full amount of an audit finding or the amount of the full purchase price of any food instrument transacted in violation of Program regulations as identified during a compliance buy or on-site inspection. Increased costs that result from claims arising out of audit findings of this kind cannot be determined because projections would be based on probability of vendor error and abuse.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Cathy L. Ruebusch, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7841 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

[Notice Published July 21, 2006]

NOTICE OF PROPOSED RULEMAKING

The Emergency Medical Services Authority (EMS Authority) proposes to adopt the proposed EMT-I regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The EMS Authority will hold a public hearing to permit all interested parties the opportunity to present statements, arguments, written materials, or contentions relevant to the proposed action described in the informative digest. The public hearing will be held on:

Date: September 4, 2006

Time: 12:30 p.m. to 2:00 p.m.

Location: EMS Authority, 1930 9th Street,
Sacramento, CA 95814

The facility to be used for the public hearing is accessible to persons with mobility impairments. Persons with sight or hearing impairments are asked to write Sean Trask at the address above or call Mr. Trask at (916) 322-4336, extension 408 to make special arrangements, if necessary.

WRITTEN COMMENT PERIOD

Interested persons are invited to submit written comments on the proposed regulatory action to the EMS Authority. The written comment period closes at **5:00 p.m. on September 4, 2006**. The EMS Authority will consider only comments received at the EMS Authority office by that time. Submit comments to:

Sean Trask, Manager, Personnel Standards Unit
EMS Authority
1930 9th Street
Sacramento, CA 95814
Telephone: (916) 322-4336, extension 408
Fax: (916) 324-2875
E-mail: sean.trask@emsa.ca.gov

AUTHORITY AND REFERENCE

The Health and Safety Code, Section 1797.107 authorizes the EMS Authority to adopt the proposed regu-

lations, which would implement, interpret, or make specific Sections 1797.63, 1797.109, 1797.170, 1797.173, 1797.175, 1797.176, 1797.177, 1797.208, 1797.210, 1797.213, and 1797.216 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The EMS Authority proposes to amend Sections 100066(b)(2) and 100079(h) of the California Code of Regulations, Chapter 2 of Division 9, of Title 22. The first amendment will revise the reference to the recently revised American Heart Association (AHA) cardiopulmonary resuscitation (CPR) guidelines which are a prerequisite for EMT-I initial training and the second amendment will repeal the requirement for a local EMT-I certifying authority to offer at least one certifying examination per year.

Health and Safety Code, Section 1797.170(a) requires the EMS Authority to establish minimum standards and promulgate regulations for the training and scope of practice for EMT-I. A prerequisite for initial training of an EMT-I is to complete a CPR course offered by or equivalent to the AHA at the Healthcare Provider level. The AHA revised their CPR guidelines in 2005 and the current EMT-I Regulations reference the previous AHA Guidelines which were revised in 2000.

Health and Safety Code, Section 1797.63 provides for the EMS Authority to designate a certification examination for EMT-Is in California. The EMS Authority has designated the National Registry of EMTs EMT-Basic certification examination as the single, standardized EMT-I certifying examination for California.

These proposed regulations are intended to:

1. Reflect the current American Heart Association CPR guidelines as a prerequisite for EMT-I initial training.
2. Clarify that, as of January 1, 2007, EMT-I certifying authorities will no longer be required to offer at least one EMT-I certifying examination per year because the National Registry of EMTs is converting to computer based testing on that date and the certifying examination will only be available at a limited number of sites throughout California. Because there are a limited number of sites, the EMT-I certifying examination will not be available to each EMT-I certifying authority.

DISCLOSURES REGARDING THE PROPOSED ACTION

The EMS Authority has made the following determinations:

- Adopting or amending regulations mandated by federal law or regulations: None.
- Other statutory requirements: None.
- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: There is an increase in the testing fee from \$20 to \$70. State agencies that employ EMT-I employees are the CHP, Department of Parks and Recreation, and the Department of Forestry and Fire Protection. The \$50 increase covers the cost of the testing site, the National Registry is not increasing their \$20 test fee. In some cases this cost may be a savings to some state departments because they may be paying examination proctor fees in excess of \$50 currently. Proctor fees are established by the individual test sites and vary throughout the state.
- Costs to any local agency or school district which must be reimbursed in accordance with the Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: There is an increase in the testing fee from \$20 to \$70. Local public safety agencies such as fire departments and some law enforcement agencies employ EMT-Is. The \$50 increase covers the cost of the testing site, the National Registry is not increasing their \$20 test fee. In some cases this cost may be a savings to some local agencies because they may be paying examination proctor fees in excess of \$50 currently. Proctor fees are established by the individual test sites and vary throughout the state.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: There is an increase in the testing fee from \$20 to \$70. The \$50 increase covers the cost of the testing site, the National Registry is not increasing their \$20 test fee. In some cases this cost may be a savings to some EMT-Is because they may be paying examination proctor fees in excess of \$50 currently. Proctor fees are established by the individual test sites and vary throughout the state.
- Adoption of these regulations will not:
 - (1) create or eliminate jobs within California;

- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The EMS Authority has determined that the proposed regulation does not affect small business because these revisions are intended to clarify and make consistent various sections of this Chapter that pertain to EMT-I training and certification testing. The proposed regulations do not result in an increase or savings in costs or responsibilities for small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the EMS Authority must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the EMS Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The EMS Authority invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Primary Contact Person:

Sean Trask
 Manager, Personnel Standards Unit
 EMS Authority
 1930 9th Street
 Sacramento, CA 95814
 e-mail: sean.trask@emsa.ca.gov
 Phone: (916) 322-4336, extension 408
 Fax: (916) 324-2875

Alternate Contact Person:

Julie Hamilton
 Basic Life Support Coordinator
 EMS Authority
 1930 9th Street
 Sacramento, CA 95814
 Email: Julie.hamilton@emsa.ca.gov
 Phone: (916) 322-4336, extension 461
 Fax: (916) 324-2875

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the

modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Trask at the above address.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

The EMS Authority will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. The rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Mr. Trask at the address above.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the public hearing and after considering all timely and relevant comments received, the Commission on Emergency Medical Services may approve for adoption and the EMS Authority may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the EMS Authority will make the modified text, with the changes clearly indicated, available to the public for at least 15-days before adoption of the regulations as revised. Please send requests for copies of any modified regulations to the attention of Sean Trask at the address indicated above. The EMS Authority will accept written comments on the modified regulations for 15-days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sean Trask at the above address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, can be accessed through the EMS Authority's website at www.emsa.ca.gov.

**TITLE 22. OFFICE OF STATEWIDE
HEALTH PLANNING AND
DEVELOPMENT**

**NOTICE OF INTENT TO UPDATE
EMERGENCY DEPARTMENT AND
AMBULATORY SURGERY REGULATIONS
TO INCORPORATE NATIONAL
STANDARD UPDATES**

Title 22 California Code of Regulations,

Division 7, Chapter 1 — *Health Planning and
Resources Development*,
Amend Article 5, *Certificate of Need*

and

Division 7, Chapter 10 — *Health Facility Data*,
Amend Article 8, *Patient Data Reporting
Requirements*, to incorporate
National Standard Updates

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes to amend Sections 97210, 97227, 97240, 97241, 97244, 97246, 97250, 97260, 97261, and 97264 and adopt Section 97266 of Title 22, Division 7, Chapter 10, Article 8 of the California Code of Regulations (CCR). The proposed changes also amend Section 90417 of Title 22 Division 7, Chapter 1, Article 5 of the CCR. The proposed effective date is upon filing with the Secretary of State.

NOTICE IS HEREBY GIVEN that no public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for a public hearing must be received in writing by the OSHPD contact person designated below no later than 15 days prior to the close of the written comment period.

NOTICE IS ALSO GIVEN that any interested person may present statements or arguments relevant to the proposed regulatory changes by a written communication addressed to, and received by, OSHPD's contact person identified below on or before 5 p.m. on September 4, 2006, which is hereby designated as the close of the written public comment period. If this day is a Saturday, Sunday, or state holiday, the comment period will close at 5 pm on the next business day.

CONTACT PERSON

Written communications may be sent to the primary contact person, Candace L. Diamond, Manager, via e-mail at cdiamond@oshpd.ca.gov, by writing to the Patient Data Section, Office of Statewide Health Planning and Development, 818 K Street, Room 100, Sacramento, California 95814 or via facsimile at (916) 327-1262. Written communications may also be sent to the backup contact person Irene Ogbonna AGPA, via e-mail at iogbonna@oshpd.ca.gov. Candace Diamond may be reached by calling (916) 324-2712, Irene Ogbonna may be reached by calling (916) 324-3851.

Comments regarding the regulations may be sent to Candace L. Diamond, by e-mail cdiamond@oshpd.ca.gov, facsimile at (916) 327-1262, hand delivery, or mail, must be received by the Patient Data Section, 818 K Street, Room 100, Sacramento, CA 95814, by 5 p.m. on September 4, 2006, which is hereby designated as the close of the written public comment period.

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by the California Health and Safety Code, Sections 127150, 128700, 128755, and 128810. The reference citations are as follows: the proposed regulations implement, interpret, or make specific Health and Safety Code Sections 127280, 128700, 128735, 128736, 128737, 128760, and 128770.

TEXT OVERVIEW AND POLICY STATEMENT

OSHPD's statutory mandate is to use national standards in data collection programs where appropriate. Proposed regulation amendments are made necessary by changes in the data content of the 837 Health Care Claim used for Emergency Department (ED) and Ambulatory Surgery (AS) Disposition of Patient codes and descriptions. Changes were made by the National Uniform Billing Committee (NUBC) as the federally-established Designated Standards Maintenance Organization.

The California Health Policy and Data Advisory Commission (CHPDAC) advises OSHPD on health policy and health information issues. Commissioners are appointed by the Governor, Speaker of the Assembly and Senate Rules Committee to represent major stakeholders in health care delivery, including physicians, hospitals, long-term care facilities, business and labor, health service plans, ambulatory surgery centers, and the general public. The CHPDAC reviewed and approved these regulation changes at its public meetings on February 27 and April 17, 2006.

Attending to advice from these key stakeholders has enabled OSHPD to minimize health facility data reporting burdens by aligning state requirements and definitions with other established governmental mandates. The regulation package accomplishes this by utilizing existing national standards for all ED and AS data elements. The new and revised Disposition of Patient codes and descriptions are already required on electronic claims as part of national standards maintained by the NUBC. These proposed changes to MIRCal save data providers the time and expense of creating and maintaining separate reporting systems to capture and report patient data to OSHPD.

The amount of the special fee assessment for licensed surgical clinics was set in statute for the first two years of AS data program operation. OSHPD was given the responsibility to determine the ongoing fee, not to exceed fifty cents per reported encounter, but sufficient to pay for functions required by statute. These regulations specify the notification timeline and procedures for paying the fee.

A new No Data to Report Form is incorporated by reference. It may be submitted to OSHPD via hardcopy or used online within MIRCal. Some facilities have no records to report in a given report period and will be allowed to fulfill their obligation to report by submitting the information requested on the new form.

The regulation changes clarify reporting of External Cause of Injury codes (E codes) and require use of newly automated communication features of the Medical Information Reporting for California (MIRCal) system.

Having ten report periods in a calendar year has made it necessary for OSHPD to close reporting systems for each report period on a prescribed timeline in order to meet the mandate of providing timely completed data sets for dissemination. This addition of report periods and tasks has created a need to define a closure date.

Regulation text changes remove the requirement to provide a reason for the use of extension days and allow reporting facilities to request an extension online within the MIRCal system.

INFORMATIVE DIGEST/SUMMARY OF PROPOSED CHANGES

Proposed regulation amendments are made necessary by changes in the national standard for Patient Status Code, required for inpatient and outpatient health-care claims. Changes to CCR Section 97264 bring the Definition of Data Element for ED and AS — Disposition of Patient back into conformity with the updated content of the 837 Health Care Claim. Proposed changes establish an ongoing annual fee assessment amount for surgical clinics, implement a No Data to Re-

port Form, clarify the reporting of External Cause of Injury codes (E codes), provide newly automated communication features of the Medical Information Reporting for California (MIRCal) system, remove the requirement to provide a reason for the use of limited extension days, and update specified forms.

The following new and revised forms are available for review:

Section 97240. Request for Modifications to Patient Data Reporting.

No Data to Report form (OSHPD 2005.1) Revised 09/26/2005

Section 97241. Extensions of Time to File Reports. Patient Data Reporting Extension Request (DD 1805) Revised 06/09/2005

Section 97244. Method of Submission. Format and File Specifications for MIRCal Online Transmission, Emergency Department and Ambulatory Surgery, Dated January 2006

Emergency Care Data Record Manual Abstract Reporting Form (1370.ED), Dated 01/01/2006

Ambulatory Surgery Data Record Manual Abstract Reporting Form (1370.AS), Dated 01/01/2006

Section 97246. Data Transmittal Requirements. Agent Designation Form (OSHPD 1370.3), Revised 06/09/2005

Individual Facility Transmittal Form (OSHPD 1370.1), Revised 06/09/2005

Designated Agent Transmittal Form (OSHPD 1370.2), Revised 06/09/2005

User Account Administrator Agreement Form (OSHPD 2002.1), Revised 01/05/2006

Designated Agent User Agreement Form (OSHPD 2002.2), Revised 01/05/2005

AVAILABILITY OF THE TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND RULEMAKING FILE

INTERNET AVAILABILITY

Materials regarding this notice of proposed changes, the text of the proposed regulations, the Initial Statement of Reasons, and all of the new or amended forms, may be accessed at the OSHPD web site www.oshpd.ca.gov/hid. The Final Statement of Reasons and amended Regulations will be posted if changes are made.

HARDCOPY AVAILABILITY

Materials regarding this notice of proposed changes, the text of the proposed regulations, the Initial Statement of Reasons, and all of the new or amended forms, may be accessed in person at in the Patient Data Section, Office of Statewide Health Planning and Development, 818 K Street, Room 100, Sacramento, California 95814. The Final Statement of Reasons and amended Regulations will also be available if changes are made.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of proposed changes or modifications to the regulations will be available from the OSHPD website www.oshpd.ca.gov/hid and will be available from OSHPD upon request. The text of any modified regulation, unless the modification is non-substantial or solely grammatical in nature, will be made available on the website at least 15 days prior to the date that OSHPD adopts the regulation. The changes will be underlined where text is added and ~~struck through~~ where text is deleted. OSHPD will accept written comments on the modified regulations for 15 days after the date that they are made available. OSHPD may adopt, amend, or repeal the forgoing proposal substantially as set forth without further notice.

ALTERNATIVES CONSIDERED

Pursuant to Government Code 11346.5(a)(13) OSHPD must determine that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected persons than the proposed action.

FISCAL IMPACT ESTIMATES

Local Mandate Determination (Cal. Gov't Code 11346.5(a)(5)): As the proposed updates will impose requirements upon all California hospitals, and all licensed ambulatory Surgery clinics, and will only incidentally affect governmental hospitals, there is no local mandate created by the proposed revisions that would require state reimbursement.

1. Estimated of Cost or Savings to Any State Agency (Cal. Gov't Code 11346.5(1)(6)): None.
2. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't Code. 11346.5(1)(6)): None.
3. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code 11346.5(1)(6)): None.

4. Cost or Savings in Federal Funding to the State (Cal. Gov't Code 11346.5(1)(6)): None.
5. Impact on Housing Costs (Cal. Gov't Code (11346.55)): None.
6. Potential Cost Impact on Private Persons or Affected Business, (Gov't Code 11346.5(a)(9)): OSHPD is not aware of any cost impacts that a representative private person or a business would necessarily incur in reasonable compliance with the proposed action.
7. Small Business Impact: These proposed regulations may have an effect on small business.
8. Potential Adverse Economic Impact on Businesses (Cal. Gov't Code 11346.53): None.

OSHPD has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

DETERMINATIONS

OSHPD has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

(MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS)

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome and Special Occupancy Parks.

PUBLIC HEARING

A public hearing has been scheduled at which time any interested party may present statements, orally or in

writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: September 13, 2006
Time: 9:00 a.m.
Location: HCD (Headquarters)
1800 3rd Street, Room 183
Sacramento, CA 95814

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on September 13, 2006, in order to be considered. Written comments may be submitted by mail, e-mail, or facsimile as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and Standards
P.O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special
Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Bradley Hayward

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to

this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

Health and Safety Code section 18300 grants HCD the authority to adopt regulations governing mobilehome parks and Health and Safety Code section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code sections 18200 through 18700 (Mobilehome Parks Act) and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the official California Legislative information website found at: <http://www.leginfo.ca.gov>

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

The Mobilehome Parks Act (MPA) contained in the Health and Safety Code (HSC) commencing with section 18200 and the Special Occupancy Parks Act (SOPA) commencing with HSC section 18860 were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect the investments in their manufactured homes, mobilehomes, multi-unit manufactured housing, and recreational vehicles.

Summary of Existing Regulations

Uniform statewide standards were developed to assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety. Current regulations now require amendments to meet the needs of the regulated public.

Summary of Effect of Proposed Regulatory Action

The purpose of these changes is to update the existing regulations for mobilehome parks and special occupancy parks.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see "Sections Affected," below), and the specific purpose for each adoption, amendment, or repeal contained in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action. Other non-regulatory editorial amendments also have been made throughout the amended chapters. These proposed ac-

tions will enhance the clarity and applicability of the current regulations.

Summary of Effect of Proposed Amendments

1. General Park Amendments

The proposed amendments include clarification of the location of a lot to a park roadway; the marking of roadways when parking is prohibited due to the roadway width; paving; allowing a local fire district to designate fire lanes; provisions for changing roadway widths or configuration; the method of determining the amount of lot coverage, and how structures on a lot are viewed for being included or excluded from that measurement; and clarification of the applicability of underground electrical requirements and the hierarchy for the application of those requirements.

2. Gas Piping

Underground gas piping regulations are proposed for amendment. Current regulations mandate that gas piping in parks be physically separated from other underground utilities. This separation requirement is inconsistent with underground gas piping regulations contained in the California Plumbing Code. Federal gas pipeline safety regulations (49 CFR, Part 192) require this separation for high pressure main gas transmission lines only. These regulations are not applicable to park-owned systems.

3. Fire Hydrant Certifications

Included in the proposed amendments are provisions to allow the park owner or operator to verify the results of annual fire hydrant operational tests in the intervening four years between the required five-year water flow certifications. The water flow test and the operational test performed during the fifth year would still be required to be certified by the local fire district, local water district, licensed C-16 contractor, or licensed fire protection engineer.

4. Setbacks

Setbacks from a unit, or accessory building or structure, to a lot line bordering a common area are proposed to be removed allowing the same zero setback as when a unit or accessory building or structure borders a park roadway. This allowance would be conditioned on minimum separation distances, similar to current side-to-side lot setbacks in parks, of six feet from any combustible structure and three feet from any other structure in the common area. The maximum lot coverage requirements would still apply.

5. Stairways and Handrails

Clarification for the width of stairways, the placement of intermediate rails when a handrail is required, and handrail specifications to meet the grasping requirements of nationally recognized building standards are added.

SECTIONS AFFECTED:

Following are the specific sections of Chapters 2 and 2.2 affected by this proposed action:

- Amend Chapter 2 Sections 1002, 1016, 1105, 1106, 1110, 1134, 1216, 1254, 1317, 1330, 1338, 1428, 1433, 1498, and 1504.
- Adopt Chapter 2 Section 1433.1.
- Amend Chapter 2.2 Sections 2002, 2016, 2105, 2106, 2110, 2118, 2134, 2216, 2254, 2317, 2330, 2428, 2498, and 2504.

POLICY STATEMENT OVERVIEW

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately-owned mobilehome and special occupancy parks within California.

HCD is proposing to amend regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act.

SMALL BUSINESS IMPACT STATEMENT

Small businesses are positively affected by these regulations. (See "Cost Impact on Representative Private Person or Business" paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

There are substantial cost savings to park owners, and consequently residents, from the proposed amendment to allow parks to perform their own annual fire hydrant operational tests. These tests are performed annually between professionally administered five-year water flow tests that then include a professional operational test. These annual operational tests typically cost between \$250.00 and \$1,200.00 depending on the number of hydrants in a park. Additionally, parks often have difficulty locating a suitable certified testing agency within their area and the time span between certified water flow tests would allow for long-range appointment planning.

HCD is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the remaining proposed actions. The additional proposed amendments serve only to clarify existing requirements.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Department's website at the following address:

<http://www.hcd.ca.gov/codes/mp>

Questions regarding the regulatory process or clarifications of the substance of this regulatory proposal may be directed to:

Bradley Hayward, Mobilehome & Special
Occupancy Parks Program Manager
Telephone Number: (916) 324-4907/
Fax (916) 327-4712
E-mail: bharward@hcd.ca.gov

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and
Community Development
Division of Codes and Standards
P.O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special
Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Bradley Hayward

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public
Interest Notice
For Publication July 21, 2006
CESA CONSISTENCY DETERMINATION FOR
South Bay Aqueduct Improvement and Enlargement
Project Alameda County

The Department of Fish and Game ("Department") received notice on June 30, 2006 that the Department of Water Resources ("DWR") proposes to rely on con-

sultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the improvement and enlargement of the South Bay Aqueduct (SBA) and Patterson Reservoir, construction of the Dyer Reservoir, and repaving of Dyer Road in Alameda County.

The U.S. Fish and Wildlife Service ("Service") issued a no jeopardy federal biological opinion (1-1-05-F-0028) for the project to the U.S. Army Corps of Engineers ("Corps") on March 1, 2006. The Service subsequently issued biological opinion (1-1-06-F-0129) on June 28, 2006 to clarify certain mitigation commitments. The biological opinions consider the federally listed endangered and state listed threatened San Joaquin kit fox (*Vulpes macrotis mutica*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the federal biological opinion 1-1-06-F-0129 is consistent with CESA. If the Department determines that the biological opinion is consistent with CESA, DWR will not be required to obtain an incidental take permit under CESA for the proposed project.

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

NOTICE OF DECISION NOT TO PROCEED

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CONTROL MEASURE FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS

By notice dated March 28, 2006, and published in the April 7, 2006, California Regulatory Notice Register, Register 2006, No. 14-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider adopting amendments to the existing dry cleaning regulation to further reduce emissions of perchloroethylene (Perc) from dry cleaning operations.

PLEASE BE ADVISED that the proposed rulemaking has been withdrawn. A new rulemaking for Perc will be undertaken in the future, but a hearing date has yet to be determined. A new notice will be published at least 45 days in advance of the future public hearing. The new rulemaking will be based on the direction the Board gave at the public hearing on May 25, 2006.

Comments submitted in response to the notice published on April 7, 2006, will not be considered as part of the official future rulemaking; however, these comments are being considered in the development of the future rulemaking.

Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on April 7, 2006, in the California Regulatory Notice Register.

DEPARTMENT OF SOCIAL SERVICES

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347(a), the California Department of Social Services (CDSS) hereby notices that it has decided to not proceed with the proposed regulatory action (Family Connections & Foster Family Agency Regulations ORD #0505-06) in Manual of Policies and Procedures/Title 22, Division 6, Chapter 4 (Small Family Home Licensing Requirements), Section 83068.2 (Needs and Services Plan); Title 22, Division 6, Chapter 5 (Group Home Licensing Requirements), Section 84068.2 (Needs and Services Plan); Title 22, Division 6, Chapter 8.8 (Foster Family Agency) Licensing Requirements, Section 88001 (Definitions), Section 88022 (Plan of Operation), Section 88031 (Application for Certification), Section 88054 (Penalties), Section 88066.2 (Content of Certified Family Home or Licensed Foster Family Home Case Record), Section 88066.3 (Additional Content of Certified Family Home Case Records for Specialized Certified Family Homes), Section 88068.2 (Needs and Services Plan), Section 88069.7 (Content of Certified Family Home or Licensed Foster Family Home Case Record), Section 88069.8 (Additional Content of Certified Family Home Case Records for Specialized Certified Family Homes); and Title 22, Division 6, Chapter 9.5 (Foster Family Home Licensing Requirements), Section 89405 (Training Requirements) and Section 89468 (Admission Procedures). These regulations were noticed as file #Z05-0719-11, and published in the California Regulatory Notice Register on July 29, 2005.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF INTENT TO LIST CHEMICALS July 21, 2006

The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65), codified at Health and Safety Code section 25249.5 et seq., provides two primary mechanisms for administratively listing chemicals that are known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)). A chemical may be listed under Proposition 65 when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity. The following entities are identified as authoritative bodies for purposes of Proposition 65, as it pertains to chemicals known to cause cancer: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations, section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency intends to list the chemical identified in the table below as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code section 25249.8(b) and Title 22, Cal. Code of Regs., section 12306.

Relevant information related to the possible listing of *anthraquinone* was requested in a notice published in the *California Regulatory Notice Register* on June 2, 2000 (Register 2000, No. 22-Z). A public forum was held on July 11, 2000. Numerous public comments were received and thoroughly reviewed by OEHHA. OEHHA has determined that *anthraquinone* meets the criteria for listing under Title 22, Cal. Code of Regs., section 12306, and therefore OEHHA is issuing this notice of intent to list *anthraquinone* under Proposition 65. A document providing more detail on the basis for the listing of *anthraquinone* can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>. Anyone wishing to provide comments as to whether the listing of *anthraquinone* meets the criteria for listing provided in Title 22, Cal. Code of Regs., section 12306 should send written comments in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Monday, August 21, 2006.

The following chemicals have been determined by OEHHA to meet the criteria set forth in Title 22, Cal. Code of Regs., section 12306 for listing as causing cancer under the authoritative bodies mechanism:

Chemical	CAS No.	Reference
Anthraquinone	84-65-1	NTP (2005)

REFERENCE

National Toxicology Program (NTP, 2005). *Toxicology and Carcinogenesis Studies of Anthraquinone (CAS No. 84-65-1) in F344/N Rats and B6C3F₁ Mice (Feed Studies)*. NTP Technical Report Series No. 494. NIH Publication No. 05-3953. U.S. Department of Health and Human Services, Public Health Service, Na-

tional Institutes of Health, NTP, Research Triangle Park, NC.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Conflict of Interest

The Air Resources Board is amending its conflict of interest code found at title 17, sections 95000, 95001, 95002, 95003, 95004, 95005, 95007, California Code of Regulations. The Fair Political Practices Commission approved the amendments for filing on January 26, 2005, extended by letter dates May 26, 2006.

Title 17

California Code of Regulations

AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007

Filed 07/05/06

Effective 08/04/06

Agency Contact: Alexa Malik (916) 322-4011

BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

Citation and Fine Penalty Increase

This amendment of 16 CCR §3062.1 and 16 CCR §3063.1 is to adjust the maximum civil penalty amount that can be assessed licensed or unlicensed individuals who violate the Geologist and Geophysicists Act. Currently the amount is set at \$2500, but the legislature passed SB362 amending Business & Professions Code §125.9 allowing for the increase of fines up to \$5000. In this rulemaking package BRGG is amending §3062.1 and §3063.1 to increase the amount of the fine to \$5000 when special circumstances are met.

Title 16

California Code of Regulations

AMEND: 3062.1, 3063.1

Filed 07/05/06

Effective 08/04/06

Agency Contact: Christine Doering (916) 263-2113

BOARD OF EQUALIZATION

Restricted Access as Damage Eligible for Reassessment Relief

The Board of Equalization promulgated Property Tax Section 139 to implement and interpret Revenue and Taxation Code Section 170. Section 139 interpreted the term “damage and destruction” as used in Section 170 to include the diminution in the value of the property resulting from restricted access to the property. The Court of Appeal concluded Section 139 was inconsistent with Section 170 and that Section 139 was invalid in *Slocum, et al. v. State Board of Equalization* (2005) 135 Cal. App. 4th 969. The Board of Equalization filed this action to repeal Section 139.

Title 18

California Code of Regulations

AMEND: 139

Filed 07/11/06

Effective 08/10/06

Agency Contact: Diane G. Olson (916) 322-9569

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Conflict of Interest Code

This is a Conflict of Interest Code that has been approved by the Fair Political Practices and is being submitted for filing with the Secretary and printing only.

Title 21

California Code of Regulations

AMEND: 7000

Filed 07/07/06

Effective 08/06/06

Agency Contact: Randi Calkins (916) 657-8898

CAL-PERS

Service Credit Installment Payment Interest

This regulatory action amends Title 2, §575.1 to make explicit in regulation the installment payment interest rate which CalPERS applies to member service credit purchases and contribution adjustments pursuant to Government Code §21052. Since GC §21052 requires the member to pay “. . .an amount equal to the increase in employer liability. . .,” the CalPERS Board of Administration determined that this type of service credit purchase is intended to be cost neutral to the employer. This is accomplished by establishing in this regulation that the installment payment interest rate charged to members will be equal to the actuarial interest rate that is used to calculate actuarially the benefit liability.

Title 2

California Code of Regulations

AMEND: 575.1, 575.2

Filed 07/06/06

Effective 08/05/06

Agency Contact: Joe Parilo (916) 326-3484

DENTAL BOARD OF CALIFORNIA

Application for Licensure by WREB Candidates

This is a readopt of emergency regulations (OAL file no. 06-0301-02E) that established new provisions for licensure for the practice of dentistry in California. Previously, the only way that a dental licensure candidate could qualify to practice dentistry in California was to pass a clinical examination developed and administered by the Board. The major component of this new law is that, effective January 1, 2005, dental licensure candidates can also qualify to practice dentistry in California if they pass the Western Regional Examining Board (WREB) exam.

Title 16

California Code of Regulations

ADOPT: 1034.1 AMEND: 1021, 1028, 1034

Filed 07/12/06

Effective 07/12/06

Agency Contact: Donna Kantner (916) 263-2300

DEPARTMENT OF CONSERVATION

Well Plugging and Abandonment Regulations

This regulatory action brings regulations concerning plugging and abandonment of oil and gas wells in conformity with changes that have occurred since the regulations were adopted.

Title 14

California Code of Regulations

ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8

Filed 07/11/06

Effective 08/10/06

Agency Contact: Marilu Habel (916) 445-9686

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 15

California Code of Regulations

AMEND: 7001 REPEAL: 2005, 3416, 4020

Filed 07/12/06

Effective 08/11/06

Agency Contact: Randy Marshall (916) 341-7328

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area

This emergency regulatory action adds Riverside County to the Eradication area for the Gypsy Moth (*Limantia dispar*). Marin, Nevada, San Diego and Santa Cruz counties are already established as eradication areas for this purpose. The regulations also establishes the means and methods that may be used to eradicate and control this pest within this area.

Title 3
California Code of Regulations
AMEND: 3591.6
Filed 07/05/06
Effective 07/05/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
Prescribed Method of Filing Notices of Agency Appointment/Termination

This regulatory action mandates the use of specific technologies for the transmission of Notices of Appointments/Terminations of Agents to the Department of Insurance for those companies appointing/terminating 25 or more agents annually.

Title 10
California Code of Regulations
ADOPT: 2190.20, 2190.22, 2190.24
Filed 07/12/06
Effective 08/11/06
Agency Contact: Natasha R. Ray (916) 492-3559

DEPARTMENT OF INSURANCE
Workers' Compensation Deposit Requirements

In this regulatory action, the Department of Insurance adopts a regulation pertaining to workers' compensation deposits of reinsurers made pursuant to Insurance Code section 11691.

Title 10
California Code of Regulations
ADOPT: 2509.21
Filed 07/10/06
Effective 08/09/06
Agency Contact: Valerie J. Sarfaty (415) 538-4459

DEPARTMENT OF INSURANCE
Earthquake Policies, Coverage Types and Limits

Permits the California Earthquake Authority to offer optional higher coverage limits for personal property, loss of use, and building code upgrade.

Title 10
California Code of Regulations
AMEND: 2697.6
Filed 07/12/06
Effective 07/12/06
Agency Contact:
Lisbeth Landsman-Smith (916) 492-3561

DEPARTMENT OF INSURANCE
Changes to the Rules Governing LAD Servicing Carriers

Section 8 of the California Automobile Assigned Risk Plan (CAARP)* Plan of Operations, which is incorporated by reference in section 2498.4.9 of title 10 of the CCR, is titled "Determination and Fulfillment of Private Passenger Nonfleet Liability Quotas." This regulatory action amends paragraph B of section 8 which sets forth the procedures and requirements governing Limited Assignment Distribution (LAD) arrangements.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 07/12/06
Effective 08/11/06
Agency Contact: Mike Riordan (415) 538-4226

DEPARTMENT OF JUSTICE
General Provisions

This section 100 change corrects an erroneous cross-reference by re-ordering Title 11 section 999.2.

Title 11
California Code of Regulations
AMEND: 999.2
Filed 07/12/06
Effective 07/12/06
Agency Contact: Jeffery M. Ogata (916) 327-6820

DEPARTMENT OF SOCIAL SERVICES
Criminal Record Clearance

This rulemaking package implements the provisions of AB 1240 (2004) and SB 358 (2005) and *Gresh v. Anderson* (2005) 127 Cal.App.4th 88. The legislation changed the penalties associated with violations of the fingerprinting requirements for facilities which require fingerprinting and criminal record checks prior to or as a condition of continued employment. The types of facilities included are: residential care facilities for the elderly, residential care facilities for the chronically ill, foster family agencies, child care centers and family day care homes. Additionally, in *Gresh v. Anderson*, supra, the court mandated the Department of Social Services provide additional information to individuals whose employment requires a criminal record exemp-

tion, including the conviction which requires the exemption and the reason an exemption is denied. DSS combined all of these requirements into one rulemaking package because all of the changes affect related regulations.

Title 22, MPP
California Code of Regulations
AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395
Filed 07/11/06
Effective 08/10/06
Agency Contact: Alison Garcia (916) 657-2586

FISH AND GAME COMMISSION

Nontoxic Shot Requirement for Waterfowl

This action without regulatory effect conforms existing regulations concerning nontoxic shot requirements for waterfowl to recent changes in federal regulations.

Title 14
California Code of Regulations
AMEND: 507.1
Filed 07/12/06
Effective 08/11/06
Agency Contact: Sherrie Koell (916) 653-4899

RESOURCES AGENCY

California Environmental Quality Act

The Resources Agency is updating its list of certified programs that are not required to demonstrate compliance with the California Environmental Quality Act ("CEQA"). The Secretary for Resources may certify regulatory programs of state agencies as meeting standards equivalent to the environmental review process required by CEQA. (Pub. Resources Code § 21080.5.) First, at the request of the San Francisco Bay Conservation and Development Commission ("BCDC"), certification of the permit program under the Suisun Marsh Preservation Act is withdrawn. BCDC requested the change, as BCDC has decided that it will act under the CEQA and not rely on the certification of the program. The planning program of the BCDC is still certified, as well as the permit and Planning programs under the McAteer-Petris Act, Title 7.2 (commencing with Section 66600) of the Government Code. Second, subsection (j) is being deleted in its entirety as the program that was certified is now defunct.

Title 14
California Code of Regulations
AMEND: 15251
Filed 07/11/06
Effective 07/11/06
Agency Contact: Mary U. Akens (916) 653-5656

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN FEBRUARY 08, 2006 TO JULY 12, 2006

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/28/06 AMEND: 1395
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

Title 2

07/06/06 AMEND: 575.1, 575.2
06/20/06 AMEND: 18537
06/08/06 AMEND: 18526
05/26/06 ADOPT: 18438.5 AMEND: 18438.8
05/25/06 AMEND: 18942
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
05/24/06 AMEND: 433.1
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04
05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428
03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556
02/21/06 ADOPT: 18361.10
02/21/06 ADOPT: 18371

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 29-Z

02/21/06 AMEND: 2320(a) (2)
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700

Title 3

07/05/06 AMEND: 3591.6
07/03/06 AMEND: 3589(a)
06/28/06 AMEND: 3433(b)
06/12/06 AMEND: 3433(b)
05/23/06 ADOPT: 6580, 6582, 6584
05/23/06 ADOPT: 3424
05/19/06 AMEND: 3433(b)
05/18/06 AMEND: 3591.12(a)
05/18/06 ADOPT: 1472.7.2 AMEND: 1472, 1472.4
05/11/06 AMEND: 3591.19
04/28/06 AMEND: 1380.19, 1420.10
04/27/06 AMEND: 3406(b)
04/13/06 AMEND: 1446.4, 1454.10, 1462.10
04/11/06 AMEND: 3700(c)
04/11/06 AMEND: 3700(c)
04/10/06 AMEND: 3406(b)
03/30/06 AMEND: 3406(b)
03/28/06 AMEND: 3406(b)
03/23/06 ADOPT: 6310 AMEND: 6170
03/07/06 AMEND: 3700(c)
03/01/06 AMEND: 3406(b)
02/22/06 AMEND: 3406(b)
02/21/06 AMEND: 3700(c)
02/21/06 AMEND: 3433(b)
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND: 3591.19(a)
02/16/06 ADOPT: 3433

Title 4

06/20/06 AMEND: 1472
06/01/06 AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)
05/18/06 ADOPT: 12358
05/05/06 AMEND: 150
03/24/06 ADOPT: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e), 10315(d), 10315(j), 10320(b), 10322(e), 10325(c), 10325(c)(3)(K), 10325(c)(6), 10325(c)(8), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii), 10325(g)(5)(B)(iv), 10325(g)(5)(B)(v), 10326(g)(6), 1036(g) (7)
02/28/06 AMEND: 4143

Title 5

06/12/06 ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831

06/09/06 ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853
05/25/06 AMEND: 1074
05/16/06 ADOPT: 51025.5
05/15/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
05/12/06 AMEND: 19819, 19851
04/28/06 AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204
04/04/06 AMEND: 42920
04/04/06 AMEND: 11704
03/16/06 ADOPT: 15566, 15567, 15568, 15569
03/16/06 ADOPT: 1207.1, 1207.2 AMEND: 1204.5
03/15/06 AMEND: 51000, 51022, 51023, 51100, 51102, 53407, 53410.1, 53413, 53501, 54010, 54041, 54050, 54200, 54220, 54300, 54600, 54604, 54608, 54610, 54612, 54626, 54630, 55002, 55231, 55402, 55405, 55534, 55600, 55602, 55630, 55720, 55729, 55756.5, 55761, 5580
02/17/06 ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853

Title 8

06/30/06 AMEND: 9793, 9795
06/26/06 ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846
06/06/06 AMEND: 5155
05/25/06 AMEND: 4650
04/19/06 AMEND: 3395
04/17/06 AMEND: 2320.4(a)(3)
04/11/06 ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130
04/04/06 ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280

04/03/06 AMEND: 1720
 03/22/06 AMEND: 9701, 9702, 9703
 03/15/06 AMEND: 1710(f)
 03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784
 02/28/06 AMEND: 1644
 02/27/06 AMEND: 3637, 3638, 3639, 3640, 3642, 3646
 02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12
 02/14/06 AMEND: 31100
 02/09/06 AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463
 02/09/06 ADOPT: 296.0 296.1, 296.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0

Title 9

06/07/06 ADOPT: 10056, 10057
 05/24/05 ADOPT: 3400
 05/19/06 ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216
 04/19/06 AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195

Title 10

07/12/06 AMEND: 2498.4.9
 07/12/06 AMEND: 2697.6
 07/12/06 ADOPT: 2190.20, 2190.22, 2190.24
 07/10/06 ADOPT: 2509.21
 06/30/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
 06/19/06 AMEND: 2318.6, 2353.1, 2354
 06/05/06 AMEND: 3528
 06/01/06 ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12
 05/25/06 ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8
 05/18/06 AMEND: 2498.6

04/28/06 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24
 04/20/06 AMEND: 2498.5
 04/18/06 AMEND: 2498.4.9
 04/18/06 AMEND: 2498.4.9
 03/30/06 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
 03/24/06 REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8
 03/24/06 ADOPT: 2498.6
 03/09/06 AMEND: 2697.6
 02/28/06 ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822
 02/27/06 AMEND: 2632.5 (c) (1) (A)
 02/09/06 AMEND: 2699.6600

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07/12/06 AMEND: 999.2
 06/28/06 ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066,
 06/28/06 ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406
 05/23/06 AMEND: 1002(c)
 05/22/06 AMEND: 968.44, 968.46
 05/22/06 REPEAL: 2033
 05/12/06 AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910
 03/15/06 AMEND: 351, 357, 371, 376, 377, 378, 380
 02/22/06 AMEND: 51.19
 02/09/06 AMEND: 1001, 1015 REPEAL: 1020, 1021

Title 12

04/10/06 AMEND: 453.1

Title 13

06/30/06 ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
 06/29/06 AMEND: 345.16
 06/16/06 AMEND: 2023.4
 06/15/06 AMEND: 1239
 05/22/06 ADOPT: 86500, 86501
 05/22/06 AMEND: 425.01

05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12	4970.68, 4970.69, 4970.70, 4970.71, 4970.72
05/02/06	ADOPT: 345.07 AMEND: 345.06	03/28/06 AMEND: 187
04/04/06	AMEND: 423.00	03/27/06 AMEND: 163.1
03/24/06	AMEND: 156.00	03/22/06 AMEND: 119, Appendix A
03/24/06	AMEND: 590	03/20/06 AMEND: 27.82
02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78	03/20/06 ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95
02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72	03/02/06 ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
02/15/06	ADOPT: 1971.1	03/01/06 AMEND: 851.23
02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67	02/23/06 AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850
		02/10/06 AMEND: 895, 895.1, 1038, 1038(f)
		02/09/06 ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2
		02/08/06 AMEND: 2310

Title 14

07/12/06 AMEND: 507.1
 07/11/06 AMEND: 15251
 07/11/06 ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8
 06/30/06 AMEND: 11900
 06/30/06 AMEND: 360, 361, 362, 363, 364
 06/29/06 AMEND: 851.23
 06/23/06 AMEND: 1220
 06/16/06 AMEND: 895, 895.1, 1038, 1038(f)
 06/08/06 AMEND: 746
 06/05/06 AMEND: 791.7, Form FG OSPR-1972
 05/26/06 AMEND: 670.2
 05/23/06 AMEND: 401
 05/17/06 AMEND: 182
 05/11/06 AMEND: 27.80
 05/08/06 ADOPT: 1299
 04/21/06 AMEND: 27.60, 28.59
 04/17/06 AMEND: 791.7, 793, 795
 04/11/06 AMEND: 18454, 18456, 18456.3, CIWMB form 60
 04/10/06 AMEND: 630
 04/03/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04
 04/03/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67,

Title 15

07/12/06 AMEND: 7001 REPEAL: 2005, 3416, 4020
 06/27/06 AMEND: 3341.5
 06/09/06 ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075
 06/06/06 AMEND: 3173.1
 05/25/06 AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378
 05/22/06 ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328
 05/16/06 AMEND: 3999.2
 05/16/06 AMEND: 3999.1.10, 3999.1.8
 05/01/06 AMEND: 2510, 2511, 2512, 2513
 04/24/06 ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054
 03/27/06 AMEND: 3176.3

Title 16

07/12/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034
 07/03/06 AMEND: 1399.152, 1399.156.4
 06/26/06 ADOPT: 1304.5
 06/14/06 AMEND: 2537, 2537.1
 06/05/06 AMEND: 3303
 06/05/06 ADOPT: 2608
 06/05/06 AMEND: 2630, 2630.1
 06/01/06 ADOPT: 137
 05/31/06 ADOPT: 869.9 AMEND: 868, 869

05/30/06	AMEND: 3340.1, 3340.16, 3340.16.5, 3340.17, 3340.41 REPEAL: 3340.16.6	06/05/06	ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11
05/22/06	AMEND: 152	05/19/06	AMEND: 12805
05/12/06	AMEND: 1388, 1388.6, 1389, 1392	05/18/06	ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4
05/01/06	AMEND: 8.1, 12, 12.5, 21, 69	05/17/06	ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)
04/17/06	AMEND: 1399.465	05/12/06	ADOPT: 64442, 64443, 64447.3 AMEND: 64415 REPEAL: 64441, 64443
04/17/06	AMEND: 3353	05/10/06	ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961
03/29/06	ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4	05/08/06	AMEND: 96010
03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998	04/20/06	AMEND: 70577, 70717, 71203, 71517, 71545
03/14/06	REPEAL: 1530	04/19/06	ADOPT: 4400(kk) REPEAL: 4414
03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034	04/12/06	AMEND: 4416
03/13/06	ADOPT: 1399.25	03/24/06	ADOPT: 110056, 110060, 100604, 110100, 110112, 110116, 110124, 110144, 110148, 110156, 110160, 110168, 110204, 110224, 110228, 110232, 110244, 110248, 110246, 110280, 110288, 110296, 110307, 110311, 110315, 110319, 110323, 110347, 110355, 110383, 110410
03/13/06	REPEAL: 1515	03/23/06	AMEND: 926-3, 926-4, 926-5
03/10/06	AMEND: 3062.1, 3063.1	03/20/06	AMEND: 66264.147, 66264.151, 66265.147
03/10/06	AMEND: 1566, 1566.1	03/09/06	ADOPT: 12900
03/09/06	AMEND: 3351.3 and 3351.4	03/07/06	AMEND: 100058, 100066, 100078, 100079
03/02/06	ADOPT: 2524.1, 2579.11		
02/27/06	AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6		
02/24/06	AMEND: 3008, 3031, 3062.1		
02/21/06	AMEND: 1833.1, 1870, 1870.1		
Title 17			
07/05/06	AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007		
05/15/06	AMEND: 60201		
04/20/06	ADOPT: 93119		
04/17/06	AMEND: 70100, 70100.1, 70200, Incorporated Documents		
04/10/06	ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3		
Title 18			
07/11/06	REPEAL: 139		
06/23/06	ADOPT: 140, 140.1, 140.2, 143		
04/24/06	ADOPT: 19591 AMEND: 19513, 19524		
04/20/06	AMEND: 4905		
04/20/06	AMEND: 1707		
02/09/06	AMEND: 4055, 4056, 4057, 4058, 4059, 4060, 4061		
Title 19			
07/05/06	AMEND: 3062.1, 3063.1		
Title 20			
06/22/06	AMEND: 1601, 1602, 1604, 1605.3, 1607		
Title 21			
07/07/06	AMEND: 7000		
Title 22			
06/12/06	AMEND: 51215.6, 51321, 51323, 51535.1, 51542, 51546 REPEAL: 51124.1, 51215.4, 51335.1, 51511.3		
		Title 22, MPP	
		07/11/06	AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395
		Title 23	
		06/30/06	ADOPT: 3949

04/25/06	ADOPT: 2919	Title 28	
04/25/06	ADOPT: 3948	06/26/06	ADOPT: 1300.67.24 REPEAL:
04/10/06	ADOPT: 2917 AMEND: 2914.5		1300.67.24
03/28/06	ADOPT: 3944.2	Title MPP	
03/22/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37	06/26/06	AMEND: 30-757, 30-761
03/13/06	ADOPT: 3939.21	04/03/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710
Title 25		02/10/06	AMEND: 63-103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
05/15/06	AMEND: 6932		
04/24/06	AMEND: Adding a title to Ch. 7, Subchapter 21		
Title 27			
06/13/06	AMEND: 15241, 15242		